

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HARRY DUNLEAVY

Plaintiff,

v.

MOUNT OLIVE TOWNSHIP, et al.

Defendants

Civil Action No. 04-122(KSH)

ORDER ON INFORMAL APPLICATION

HARRY DUNLEAVY,

Plaintiff,

v.

MONTVILLE TOWNSHIP, et al.,

Defendants

Civil Action No. 04-1154(KSH)

This matter having come before the Court by way of letters dated May 3, 2005, May 5, 2005 and May 6, 2005, regarding defendants' request for leave to file a motion pursuant to Fed. R. Civ. P. 11; and the Court having considered the contents of the letters; and the Court having concluded that leave to file a motion under Rule 11 shall be granted¹; and the Court advising the parties that nothing herein constitutes a ruling regarding the merits of their motion; and the Court having granted such leave to be enable each side to explain why the case is/is not frivolous; and for good cause shown,

¹The defendants could have arguably sought the relief embodied in their letters as part of their motion for summary judgment. Allowing them to file a letter brief in support of this request at this time will not prejudice the plaintiff.

IT IS on this 10th day of May, 2005

ORDERED that the request for leave to file a motion under Fed. R. Civ. P. 11 is granted.

Said motion shall be filed no later than **May 16, 2005**. Any responses shall be submitted no later than **May 31, 2005**. The return date shall be **June 13, 2005** before the Hon. Katharine S.

Hayden. Her Honors' Chambers will advise the parties if oral argument will be required;

IT IS FURTHER ORDERED that the parties shall submit letter-briefs, not to exceed 6 pages, in support of/in opposition to the motion; and

IT IS FURTHER ORDERED that all other terms of the Orders dated January 6, 2005 and April 4, 2005 shall remain in full force and effect.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE